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TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
September 29, 2009**

Present: Commissioners Lythgoe, Weber and Kirsch; Bonnie Ramey, County Clerk and Recorder; Matt Johnson, County Attorney; Dennis Owens, Deputy County Attorney; Harold Stepper and Mike Hoffman, County Planners; Carl Purdy, IT Manager; Andrea Sarchet, MSU Extension Agent; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; DeeDe Rhodes, Shawn Hoagland, John Trudnowski, WET Engineers, Bob Marks

MINUTES

Commissioner Lythgoe moved to approve the minutes of August 25. Commissioner Kirsch seconded. The motion carried.

REPORTS

Commissioner Lythgoe noted the receipt of an A101 from the Treasurer's office outlining the HB 124 1st quarter entitlement payment from the state.

Commissioner Lythgoe noted the receipt of the August cash report from the Treasurer.

CORRESPONDENCE

Petition for Annexation of Adjacent Territory - Commissioner Lythgoe noted the receipt of a petition for annexation of adjacent territory into the Basin Fire District. The petition has been certified by the Clerk and Recorder and needs to be set for public hearing. Commissioner Lythgoe also noted receipt of a memo from Matt Johnson regarding the petition for annexation into the Basin Fire District. Matt recommended that the Commission withdraw the resolution of intent to form the Cataract Fire Service (on file in the Clerk and Recorder's office).

Matt stated that once the hearing is held and if the area is annexed, it will significantly change the area that could be in the fire service area. If this area is taken into the fire district, the petition for the fire service area may have to be reviewed to see if it still meets statutory authority. They may

have to come back with a new petition. Commissioner Lythgoe agreed that this is probably the case.

Commissioner Lythgoe asked Matt to write a letter to the petitioner for the fire service area to make him aware of what is going on.

Emergency Plans Contract – Commissioner Lythgoe noted the receipt of a contract for the chair's signature. The contract is with the Department of Military Affairs for an update of our Emergency Operations Plan. Commissioner Weber moved to have Commissioner Lythgoe sign the contract. Commissioner Kirsch seconded. The motion carried.

Commissioner Weber read a letter from Helena National Forest requesting comments on a proposed amendment to the hazardous tree removal and fuels reduction project. Commissioner Lythgoe asked if there is anything to comment on. Commissioner Weber stated that they didn't give a list of roads that they plan to close and it doesn't seem that they are doing any projects, just scoping at this time.

Commissioner Lythgoe noted the receipt of a copy of resolutions from the City of Boulder regarding adoption of their budget and setting their mill value.

CALENDAR REVIEW

9/30 Ash Grove Citizen's Advisory Group - 8:00
10/01 Meeting with Beaverhead-Deer Lodge National Forest staff - 1:00
10/02 Pre-construction meeting regarding south campus - 10:00
10/05 Meeting with Larrey Lattin - 9:00
Meeting with Buster Bullock and Dennis Owens - 10:30
10/06 Road Safety meeting - 7:00

COMMISSION REPORTS

MACo CONFERENCE

Commissioner Lythgoe reported on MACo conference previous week. They celebrated the 100th anniversary of MACo, and about 35 past officials attended a special banquet.

CENTER FOR MENTAL HEALTH

Commissioner Lythgoe reported that he attended the Center for Mental Health meeting in Great Falls the previous day. They have a new financial person and it is pretty interesting when you have a new CPA come onboard, what they find. He said that it was a pretty interesting meeting.

SOLID WASTE

Commissioner Weber stated that he is working on Solid Waste issues and carrying some of the manager duties at this time. Yesterday he spent some time looking at applications for deletions

from people who are charged solid waste fees but feel they shouldn't be. They are trying to get people hired to man the sites; one person is out with a broken leg and another out until just before Thanksgiving.

LIBRARY

Commissioner Weber reported that it has been interesting times at the library. The Boulder Library is getting a new roof, but there have been a couple incidents. The roofer's truck backed into a power box and ripped the meter off and a hammer was dropped through the roof and ruined some sheetrock in the building.

PROPOSED VETERAN'S HOME

Commissioner Kirsch reported that next Monday they will be meeting with Larrey Lattin again. He will be providing a lot of information about the plans and requirements for the Veteran's Home. The following Tuesday the 13th, the group will be meeting in Boulder and would like the Commissioners to be there if possible.

SUBDIVISION REVIEW

JEFFERSON ACRES – SUBDIVISION IMPROVEMENT AGREEMENT

Mike Hoffman, County Planner, stated that he has drawn up an improvements agreement, but is still waiting on information from the developer. The developer is in attendance and would like an opportunity to speak.

Shawn Hoagland, the developer, stated that he has some questions. On the improvement agreement, the two major items were getting the road to standards and the fire suppression water system. The roads are a work in progress. They have brought in a lot of material, they have widened the road, and the retention ponds are in. They still need more road material, which is in the revised bid from Smith. The cul-de-sacs need to be widened, one is currently 93 feet and the other is 85 feet. He asked if he can get a letter from the local fire chief stating that there is sufficient radius to turn their truck around in, noting that Whitehall doesn't have a ladder truck.

Commissioner Weber stated they have no idea who might be responding to a fire; it could be a department with a ladder truck. The cul-de-sacs need to be of a nature that they know that any departments that might be responding will have adequate room to turn around. Shawn asked if finished road surface radius is the issue or just the area. Commissioner Weber stated that the finished driving surface of the cul-de-sac and the slopes that go out are all addressed in the road standards. Shawn said that they still have more material to haul in and distribute, but he feels that it is a much lower monetary amount than the current bond.

Regarding fire suppression, they came in with a plan for fire suppression before the last extension. Rick Strauss has written a letter regarding this. The plan calls for an easement to use a spring-feed irrigation pond on a neighbor's (Ray Lombardi) property. The ability to use Mr. Lombardi's pond versus an on-site system will save them thousands of dollars. Commissioner

Weber asked what was in the preliminary plat. Shawn said that there were two options; the conditions of approval call for a 30,000 gallon water supply. They bonded for the on-site system, as there was a question if they could go with the easement option without going through the public meeting process again.

Shawn is here today to find where he needs to be on his letter of credit. He talked to his bank, and the way this needs to be done is that a new letter of credit needs to be written to become effective the minute the current letter expires, as there can't be two letters attached to the same property.

Commissioner Lythgoe said that they can probably use Matt's help in the legalities. He asked what amount the letter of credit needs to be. Shawn said that he doesn't have the bid with him, but he remembers that the 1.5 was about \$45,000. Commissioner Weber stated that they have the bid, but they don't have an engineer saying that the bid will cover the work needed to meet the requirements. Shawn said that he brought their engineer with them, so he can answer those questions.

Mike stated that he has a few concerns after hearing the earlier comments. The current agreement is actually an extension, so he thinks that the county has been reasonable in that regard. His concern is that we don't have certification from their engineer, we have no easement for the pond, and we still haven't heard from our engineer regarding his assessments regarding the bond amount. Harold stated that he spoke with Shawn Bryant earlier in the day and he hopes to have the report later today or tomorrow. One thing that he sees as a real impediment to the county is that although the developer has an agreement with Mr. Lombardi, the county is not named in that easement agreement. He thinks that one of two things needs to happen; either they need to keep in place putting the structure in the actual subdivision or the county needs to be a party to the easement to be allowed to put the drafting site in. Shawn said that they specifically put the fire department and the homeowner's association in the easement, but they didn't think to add the county. This can be done.

Commissioner Kirsch asked if there is still water available in the winter during a hard freeze. Shawn said that there is. The irrigation pond is fed by a year-round spring.

Commissioner Weber asked Mike what his concern is over the direction taken for fire suppression, which is the use of the pond. Mike stated that the concern is that he can't flip the switch and have the improvement complete. He would like to leave the either/or option open to the county as well, if we have to take the bond. Commissioner Weber asked what has been done and what hasn't been yet. Mike stated that he has nothing concrete; nothing is fully completed and he feels that the county would be taking a risk not to fully bond.

Harold stated that to clarify the bond, they bonded for the most expensive option, which was on-site water supply. Both were not bonded for. If we can get added to the easement, then the water supply bonding amount could be lowered. What he saw when he was last there, no project is completely done, all partial. Nothing has been completed to county standards at this point and there is very little gravel. He would suggest that they keep the bond amount for the roads where

we are, and get bonding figures for pond.

Commissioner Weber stated that the Commission is facing two options – go two weeks, take the bond and complete the work or change the bond amount or keep the same and extend it six months. Commissioner Lythgoe stated third option is reducing the bond amount if the county is named on the easement in the event that the county has to take the bond.

Commissioner Weber asked developer what relief of the bond they are seeking – water storage only or reduction of road dollars as well. Shawn stated that this is correct; they are also seeking a reduction of the road dollars as well based on the work completed. He is trying to walk away from the meeting with a dollar amount that he can take to the bank. Commissioner Weber asked if there is a benefit to that number being as low as possible. Shawn said that there is; the partners are looking at constructing a spec house.

John Trudnowski, WET Technologies, stated that he designed the road, but wasn't contracted to do any oversight. He has come in at the developer's request to review the project. The cost estimate was done by the contractor, and the material costs are lower than he would have estimated. There is a gravel pit just down the road, however, and trucking costs are usually what vary so much from job to job. He would have to talk to the contractor to find where exactly he pulled the figures from. Commissioner Weber asked how much variance there is from what he typically sees. John stated that he usually figures between \$20.00 - \$30.00/cubic yard for materials and they are being charged \$9.00 to \$12.50/cubic yard. Commissioner Lythgoe said that this brings up another issue; if the county had to go in and finish the job, he isn't sure we would get the same gravel costs.

Commissioner Lythgoe asked Shawn if he has the numbers of where he wants to be. Shawn stated that the original estimate came in at \$45,000, which seems low to him. He wants to come up with a number that works for everyone. Commissioner Lythgoe stated that he thinks before they can come up with a number they need the information from Great West and Shawn also needs to get more information. He would like to authorize the developer, the planners, and engineers to sit down and come up with a number before the next meeting. Shawn said that this sounds good to him. He will also get the county added to the easement letter. Commissioner Weber stated that it needs to be more than a letter; they need an actual easement filed.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

PUBLIC HEARING – BASIN WATER & SEWER LEVY

Commissioner Lythgoe called the public hearing to order and read the public notice of the hearing. The intent is to levy 370.77 mills to raise \$16,500.00. Commissioner Lythgoe called for comments. Hearing none, he closed the public hearing.

PRELIMINARY BUDGET HEARING

Bonnie Ramey, Clerk and Recorder, presented the Commission with an overview of the budget, as well as a list of possible budget changes and the transfers that would need to be made if they

decide to make the changes. She noted that there is \$152,111 left to expend on the INTERCAP loan for the building and grounds upgrades. Bonnie said that the county's share of the Tunnels disbursement is \$336,861.74.

Commissioner Lythgoe stated that he thinks that they could go through this line by line, but that wouldn't mean anything to anyone but the Commission and Bonnie. Joe Carter resigned as Solid Waste Manager, so there will be a reduction from the Solid Waste budget that he will not be receiving, there have been some wage increases in the Health Department that they were not anticipating when they met with the Department Heads, and the Solid Waste Board is looking for a full-time manager. Commissioner Lythgoe stated that one thing he thinks is important for the public to know, with these changes and with what was discussed with department heads earlier in the year, is that we do have a balanced budget. One thing that helped significantly is that Jefferson County is receiving full funding from PILT. In Jefferson County's case, at the beginning of the process we had \$1,904,739 in PILT and of that, to balance the budget, they needed to use \$679,321.34, which leaves \$1,225,417.70 in the PILT fund. For a county like Jefferson, this is very, very important. We haven't had this kind of reserve for some time, and we feel pretty good about that. The county did receive some stimulus money, which is to be used for water and sewer upgrades at the south campus.

Commissioner Lythgoe stated that he is very satisfied with the way that the budget has evolved. He doesn't anticipate any more changes than the ones that Bonnie just presented.

Commissioner Lythgoe called for comments.

Bob Marks stated that he has more questions than comments. He asked the relative amount of PILT to previous year. Commissioner Lythgoe stated that last year we received a little over a million dollars. This year we received a million 41 thousand dollars. Bob asked questions regarding the public safety mill levy and how it affects the PILT fund. He asked where the PILT money that has been freed up by not going to the public safety budget. Bonnie stated that it stays in the PILT fund until the Commission decides how to expend those dollars.

Bob stated that it would be helpful to have a synopsis of the budget placed on the website. Commissioner Weber stated that the highlights document is something that Bonnie prepares every year. Bob said that this would be useful to have available to the public.

Bob asked that on metal mines account, looking ahead to 2011, if the Commission anticipates that falling off. Commissioner Weber stated that they do, if Tunnels and Elkhorn don't start production.

Commissioner Lythgoe stated that they will remain in continuous session until the final budget is adopted. People are welcome to make comments whenever they wish – letters, e-mail, next meeting.

PUBLIC HEARING – MARTINEZ GULCH ASSESSMENTS

Commissioner Lythgoe called the public hearing to order and called for comments. Hearing none, he closed the public hearing.

ANDREA SARCHET – EXTENSION UPDATE

Andrea Sarchet, Madison/Jefferson Extension Agent, came before the Commission to give an update of her activities.

The Horizons group has taken up quite a bit of her time, as she is acting as facilitator in the Horizons program in Ennis. The group is coming together nicely.

Office hours going well – she is getting around both counties monthly. She doesn't get a lot of walk-ins, but is able to schedule meetings more easily.

Commissioner Weber stated that he has received several complements directly related to Andrea's efforts. The effort that she has given to spreading herself to Jefferson and Madison County has been acknowledged by a lot of people. He spoke to the 4-H agent from Lewis & Clark county briefly at the MACo conference, and he also had good things to say about the work that Andrea is doing.

Commissioner Kirsch asked if any of her personnel were able to attend the last fair board meeting. He was unable to attend. Andrea stated that she was not able to attend but she did get an e-mail from the board chair that the topic will be brought up at the next meeting.

Commissioner Lythgoe stated that he isn't sure how much contact she has with the north end 4-H, but when they spoke with the 4-H agent in Lewis & Clark County, he indicated that the strongest part of his program is coming from north Jefferson County.

SIGN MOU WITH MONTANA WOOLGROWERS ASSOCIATION FOR PREDATOR CONTROL

Commissioner Lythgoe stated that this is an annual agreement. Commissioner Weber stated that he received a lot of comment about this, but it appears that it was misinformation. After some research, the questioners are happy with the agreement.

Commissioner Weber moved to have Commissioner Lythgoe sign the agreement. Commissioner Kirsch seconded. The motion carried.

RESOLUTION 29-2009 DESIGNATING CLASS OF COUNTY

Commissioner Weber read the resolution as follows:

RESOLUTION 29-2009

DESIGNATING CLASS OF COUNTY

WHEREAS, § 7-1-2112, MCA, states that the Board of County Commissioners must yearly make an order designating the class to which the county belongs, as determined by the taxable valuation; and

WHEREAS, § 7-1-2111 (b), MCA, states that all counties having a taxable valuation of \$30 million or more and less than \$50 million are Second class counties; and

WHEREAS, the taxable valuation for Jefferson County for fiscal year 2010 is \$32,206,651;

NOW, THEREFORE, BE IT RESOLVED, that the Jefferson County Board of County Commissioners hereby designate Jefferson County as a second class county, effective January 1, 2010.

DATED this 29th day of September, 2009.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

Commissioner Lythgoe moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

BID APPROVAL – COURT TECHNOLOGY UPGRADE

Matt Johnson, County Attorney, stated that they have been trying to upgrade the courtroom for PowerPoint presentations. He then learned that the carpet in the courtroom was going to be replaced, so he felt that the timetable needed to be pushed up so that the upgrades could be installed without the necessity of tearing up the new carpet.

He contacted the Supreme Court court administrator's office to come down and give them a bid for what they would propose for both audio and video. They came up with a bid of \$46,000, which is a bit hard to swallow. He has been able to save over the past three or four years approximately \$15,000 which was to go towards this project. He thinks that in the budget process this money has been directed back to his County Attorney budget. Cathy Bond was able to get a bid for \$19,000, with different options. Matt stated that he talked to Marilyn Craft and there are a couple issues out there. Judge Tucker is facing the same issues in Beaverhead County and is not convinced that upgrades are needed. He found however that the Court Administrator's office does have funding available if Judge Tucker deems the upgrades necessary. It seems impossible to do the upgrades at this time, before the carpet goes in. He would like to request that a conduit goes in so that it is easier in the future to do the upgrades.

Commissioner Lythgoe asked if that the only piece of conduit that will be needed or would any additional conduit would be needed for speakers, etc. Carl noted that new technology is wireless. Matt agreed that this is true, but there will still need to be some additional conduit.

Commissioner Lythgoe moved that the Commission instruct Cathy to work with Matt and Carl as far as putting in conduit before the new carpet is laid for this futuristic technology upgrade for the courtroom. Commissioner Weber seconded.

Matt asked if the \$15,000 that he saved going to disappear. Commissioner Lythgoe stated that Matt doesn't have \$15,000; he does, but he doesn't.

The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Bonnie stated that she needs some direction from the Commission. If there are to be any changes to the budget she needs those in writing so that she can work them up on Friday. She will be out of the office Wednesday and Thursday. Commissioner Lythgoe stated that Carl came to him stating that he needs some help in his department. He told Carl that if anything is to be done for this budget year, he would have to develop a job description quickly and get it to Kellie to grade. Commissioner Weber asked if Carl indicated where exactly he needs help. Commissioner Lythgoe stated that Carl told him that when he started in 2000, there were 20 computers and there are now over 100. He is dealing with all of the computers, phone lines, credit card swipers, 9-1-1, and more.

Bonnie stated that we would have to PILT that position entirely as we don't have mills. She would suggest that if the position is approved, the Commission hold a public hearing and PILT it at that time.

The Commission will remain in continuous session until the final budget is adopted.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER